

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRY REYNOLDS,

Plaintiff,

Case No. 17-cv-13802
Hon. Matthew F. Leitman

v.

HUNGRY HOWIE'S
DISTRIBUTING, INC.,

Defendant.

ORDER (1) GRANTING DEFENDANT'S MOTION TO DISMISS (ECF #2),
(2) VACATING ORDER TO SHOW CAUSE (ECF #4), AND (3)
DISMISSING PLAINTIFF'S COMPLAINT (ECF #1)
WITHOUT PREJUDICE

In this action, Plaintiff Jerry Reynolds brings claims related to his employment with Defendant Hungry Howie's Distributing, Inc. (*See* Compl., ECF #1-2.) On November 29, 2017, Hungry Howie's filed a motion in which it asked the Court to (1) dismiss Reynolds' Complaint and (2) compel Reynolds to participate in mediation and/or binding arbitration. (*See* ECF #2.) Reynolds did not file a response to Hungry Howie's motion. Nor did he contact the Court requesting additional time to file a response.

On December 21, 2017, the Court entered an Order to Show Cause requiring Reynolds to show cause in writing why the Court should not grant Hungry Howie's motion (the "Show Cause Order"). (*See* ECF #4.) In the Show Cause Order, the

Court warned Reynolds that “[i]f [he] [did] not timely respond” to the order that “the Court may grant Hungry Howie’s motion to dismiss.” (*Id.* at Pg. ID 95.) Reynolds has not filed any response to the Show Cause Order.

Accordingly, because Reynolds has not filed any response to either Hungry Howie’s motion to dismiss or the Show Cause Order, **IT IS HEREBY ORDERED** that:

- Hungry Howie’s motion to dismiss (ECF #3) is **GRANTED**;
- The Show Cause Order (ECF #4) is **VACATED**; and
- Reynolds’ Complaint (ECF #1-2) is **DISMISSED WITHOUT PREJUDICE**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 5, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 5, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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